

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST LABORERS-EMPLOYERS
HEALTH & SECURITY TRUST, et al.

Plaintiffs

v.

TREPUS CORPORATION,

Defendant

NO. CV11-584-RAJ

ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

This matter comes before the court on a motion for summary judgment by plaintiffs Northwest Laborers-Employers Health & Security Trust, Western Washington Laborers-Employers Pension Trust, Northwest Laborers-Employers Training Trust, and Washington and Northern Idaho District Council of Laborers. Dkt. # 10.

Defendant has not responded to plaintiffs' motion for summary judgment, and the facts are not in dispute. *See* W.D. Wash. CR 7(b)(2) ("If a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit."). Defendant entered into a trust agreement that required it to make employee benefit contributions to a trust account. The collective bargaining agreement also required the employer to be bound by the trust agreement. The employer breached

1 the agreements by failing to fully fund the amounts due for employee benefit
2 contributions and wage deductions. Plaintiffs are entitled to liquidated damages pursuant
3 to the agreement, and interest on unpaid contributions, costs and reasonable attorney's
4 fees. 29 U.S.C. § 1132(g); *Plumber v. Siemens Building Techs.*, 228 F.3d 964, 971 (9th
5 Cir. 2000).

6 For all the foregoing reasons, the court GRANTS plaintiffs' motion for summary
7 judgment (Dkt. # 10) against defendant Trepus Corporation in the total amount of
8 \$153,570.60, plus post-judgment interest under 28 U.S.C. § 1961 at a rate of 0.18 per
9 annum, as follows:

| | | |
|----|---------------------------------------|-------------|
| 10 | 1. Contributions and Wage Deductions: | \$98,837.28 |
| 11 | 2. Liquidated Damages: | \$19,956.71 |
| 12 | 3. Interest: | \$26,696.22 |
| 13 | 4. Costs: | \$493.68 |
| 14 | 5. Attorney Fees: | \$7,586.75 |

15 The Clerk of Court is ORDERED to enter judgment in favor of plaintiffs and
16 against defendant.

17 Dated this 25th day of April, 2012.

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The Honorable Richard A. Jones
United States District Judge